THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :21844 of 2007

DATED:12-10-2007

BETWEEN:

Baddam Shankaraiah Goud.

..... PETITIONER

AND

The Tahsildar,
Shamshabad Mandal,
Rangareddy District,
The then Revenue Divisional Officer,
Shamshabad mandal,
Rangareddy District.

.....RESPONDENT

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondent.

2. Petitioner seeks a writ of mandamus declaring the action of the respondent in passing the order in proceedings No.B/110/2007, dated 19-02-2007, in resuming the petitioner's land admeasuring Ac.2.00 in Sy.No.4/21, situated at Ghansimiyaguda village, Shamshabad mandal, Rangareddy District to the Government, as illegal and arbitrary.

3. It is stated that the petitioner purchased an extent of Ac.2.00 in Sy.No.4/21 of Ghansimiyaguda village, Shamshabad mandal, Rangareddy District from the original assignee-Thugudam Jangaiah in 1978. The son of the said Jangaiah namely Pentaiah sold the said property in favour of the petitioner in 1999. While so, on a report made by the Panchayat Secretary of Ghansimiyaguda village, the Mandal Revenue Officer, Shamshabad mandal, issued a notice No.B/651/2005, dated 26-10-2005, for which an explanation, dated 27-12-2005, is said to have been submitted.

4. It is stated that when a notice has been given in October, 2005 even before passing any final orders under the provisions of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') explanation has been submitted, but without considering the explanation the resumption orders have been passed under Section 4(1) of the Act. It is further stated that even the resumption orders, dated 19-02-2007, passed in proceedings B/110/2007 have not been furnished but only when they have been making an attempt to resume the land on filing an application the said order has been furnished. It is stated that the show cause notice is in proceedings No.B/651/2005 whereas the final orders have been passed in proceedings B/110/2007 and there is no application of mind, and admittedly explanation has been submitted. It appears there is some force in the contention of the learned counsel for the petitioner as the show cause notice is in different proceedings, whereas the final orders are in some other proceedings. But however, as the said order is an appealable order, petitioner is permitted to file an appeal before the Revenue Divisional Officer within two weeks from the date of receipt of a copy of this order and if any such appeal is filed, petitioner shall not be dispossessed from the land in question pending disposal of the appeal.

5. Accordingly, Writ Petition is disposed of as indicated above. There shall be no order as to costs.

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V.ESWARAIAH,J

12th October, 2007.

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